

## PROBABLE CAUSE COMMITTEE RECOMMENDATION TO COUNCIL

### CASE NO. 002-993-12-08

1. Said individual is Multi-Certified (Basic 10/20/95; Lidar (Laser) Operator 11/30/01; Radar Operator 09/25/06).
2. Said officer was employed with the most recent law enforcement unit on 06/04/00.
3. Said officer is currently employed by another law enforcement unit and has been since 11/19/08.
4. Said officer submitted a response to this investigation. (See Attachment 'A')

### CASE SUMMARY

On or about 04/01/08, allegations of misconduct was filed by a citizen (opposite sex of said officer) against said officer, alleging that they had been involved in an extra martial affair. It was also alleged that the affair occurred while said officer was on duty and he/she allowed him/her to view and discuss official documents of investigations.

The complainant alleged that he/she had known and was friend with said officer for over 20 years but their relationship did not become sexual until on or about December 2007 and continued until on or about March 2008.

The internal affairs was able to substantiate that said officer facilitated an extra-marital affair with the complainant while on duty, using the patrol vehicle as transportation and other equipment (desk top, lap top computer, camera, & investigative files).

Said officer first denied engaging in sexual intercourse with the complainant while on duty, but after failing a polygraph examination, he/she finally admitted to having sex with the complainant at least once while on duty.

Said officer had a personal relationship with another person (opposite sex of said officer) that was outside of business purposes. This person husband/wife was killed in a fatal traffic accident that was investigated by said officer. Said officer admitted to visiting him/her on numerous occasions while on and off duty, but denied ever having any sexual contact with him/her. After failing a polygraph examination, said officer admitted to hugging and kissing this person in a friendly manner and he/she corroborated said officer's statement.

Said officer violated a direct order when he/she contacted the second individual and informed him/her that internal affairs was going to contact him/her after being told by internal affairs not to contact him/her.

Allegations of Improper Use of Technology in the Work Place was substantiated when said officer used the department computer to send e-mail for personal use when he/she received and sent messages to parties identified in the investigation as well as several other male/females.

On or about 10/31/08, said officer was terminated from law enforcement employment for Misconduct and Conduct Reflecting Discredit on the Department.

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It is hereby asserted this individual is in violation of the following sections of O.C.G.A. 35-8-7.1(a), as attached: (6);(7);(8);(11)

In accordance with O.C.G.A. 35-8-7.1 (b) (1), the Probable Cause Committee makes the following recommendation to the Council:

**Recommendation(s) of Committee:**

Revoke Certification

Michael Nail

PCC Chairman

Date: July 22, 2009

**Recommendation(s) of Council**

Revoke Certification

Mike Yeager

Council Chairman

Date: December 9, 2009